



U.S. Department of Justice

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Brian Witherspoon
Federal Public Defender
Attorney for Defendant Brandon Orlando Baldwin

John Lynch
Attorney at Law
Attorney for Defendant Olajuwon Davis

RE: United States v. Brandon Baldwin and Olajuwon Davis
Cause Number: 4:14CR00366 HEA (TCM)

Dear Counsel:

As you are aware, your client was indicted by the Federal Grand Jury. In order to assist you in the determination of any relevant pre-trial motions to be filed in this case, please be aware of the following information:

1. **DISCOVERY** - The Government will provide you with all relevant material within the purview of Rule 16, Federal Rules of Criminal Procedure. The discovery will be provided to you in the near future.
2. **ELECTRONIC SURVEILLANCE** - The Government did utilize consensual audio and video surveillance in the investigation underlying the charges set forth in the indictment.
3. **CONFIDENTIAL INFORMANTS** - The Government did utilize confidential informants in the course of the investigation of this matter.

4. JENCKS MATERIAL - The Government will make all JENCKS material available no later than the Friday preceding trial, conditioned upon the defendant's agreement to make available statements of defendant's witnesses at the same time.

5. GRAND JURY TRANSCRIPTS - The Government agrees to produce all Grand Jury transcripts to the extent they constitute JENCKS material and make them available for inspection.

6. OTHER CRIMES EVIDENCE - The Government agrees to advise the defendant of its intention to use evidence of other crimes during its case-in-chief. The government agrees to make this disclosure prior to the trial of this cause.

7. STATEMENTS OF DEFENDANTS - The Government does possess and does intend to utilize statements of the defendants. These statements will be provided with the Rule 16 discovery.

8. IDENTIFICATION OF DEFENDANTS - The Government is not aware of any post-arrest identification of the defendants.

9. PHYSICAL EVIDENCE - The Government does possess items of physical evidence seized from the defendants or their property.

10. FAVORABLE EVIDENCE - The Government agrees to furnish any and all favorable evidence to the defendant if and when its existence becomes known to the Government. At the present time, the Government does not have favorable evidence.

If you need any further specific information regarding the above matters, or any other matters which will prevent the filing and litigation of any unnecessary pretrial motions, please do not hesitate to call me.

In order to avoid the need of filing motions pursuant to Rules 16 and 26, the Government makes the following requests;

Pursuant to Rule 16(b)(1)(A), (B) and (C), Federal Rules of Criminal Procedure, the United States hereby requests that:

A. The defendant provide the United States, or permit the United States to inspect and copy or photograph books, papers, documents, photographs, tangible objects, or copies thereof, which are within the possession, custody or control of the defendant and which the defendant intends to introduce as evidence in chief at trial.

B. The defendant provide the United States, or permit the United States to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce as

evidence in chief at the trial or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to his testimony.

C. The defendant provide the United States a written summary of the testimony that the defendant intends to use under Rules 702, 703, or 705, Federal Rules of Evidence, as evidence in trial, which includes a description of the witnesses' opinions, the bases and reasons for those opinions, and the witnesses' qualifications.

Further, pursuant to the provisions of Rule 26.2 the Government requests the defendant and his attorney to provide to the Government any statements of defense witnesses that are in their possession and that relate to the subject matter concerning which the witnesses have testified.

Pursuant to Rule 12.1, the Government requests that the defendant notify the government of any intended alibi defense; specifically, that the defendant was not present at the time, date and place of the offenses listed in the indictment.

The Government requests a response prior to the hearing date on the motions to establish whether it needs to file its request for a court order to enforce compliance.

I thank you in advance for your anticipated cooperation.

Very truly yours,

RICHARD G. CALLAHAN
United States Attorney

s/Kenneth R. Tihen
KENNETH R. TIHEN
Assistant United States Attorney

cc: *The Honorable Thomas C. Mummert*